

REMARKS

Claims Rejections – 35 U.S.C. §102

Claims 1, 2, 5, 19, 31, 32, 34 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wang, U.S. Patent 6,308,421.

By this amendment, claim 1 has been canceled and replaced by claim 67 and those claims which were dependent upon claim 1 have been amended to make them dependent on claim 67. Another new claim 68 has been added to the application. Thus, all the claims presently in the application, with the exception of claim 68, are dependent upon claim 67.

As has previously been noted, Wang has a first grip 1 and a second grip 2 which are pivotably supported relative to one another, and must be brought together to bring a blade section 31 into contact with the blade channel 53 to cut a member supported between them as illustrated in Figure 5. Considering the “cutting plane” to be the plane in which a flat article, such as that illustrated in Figure 5, is cut by the action of the scissors, the grip members 1 and 2 of Wang must lie on opposite sides of that cutting plane. Moreover, the blade sheath body 5 lies directly in that cutting plane.

These factors would make the Wang scissors completely useless as a cast cutter for use in removing a cast from the patient. The grip member 2 would contact and be blocked by the patient’s limb when used to remove the cast 12 from the patient’s limb 14, as illustrated in Figure 1 of the present application.

Wang is also driven from below the cutting plane as the grip member 2 must be moved upwardly toward grip member 1 in order to force the blade member into the channel 53. This geometry would also make it impossible to use the device of Wang in the configuration illustrated in Figure 1 of the present application. While Wang powers the upper blade 31 from

below the cutting plane, the device of the present invention must be driven from above the cutting plane in order to prevent any interference whatsoever between the patient's limb or cast and the drive mechanism.

New claim 67, which replaces claim 1, reflects these differences and distinguishes from Wang by defining the cast-cutter as having first and second portions configured to cut through a cutting plane, wherein the protection member is located on one side of the cutting plane (i.e., between the cast and the patient), and a drive arrangement is located on the opposite side of the cutting plane from the protection member. Considering the blade sheath 5 of Wang to be the equivalent of the protection member, as the Examiner has done, it should be noted that this member is inherently located on the same side of the cutting plane as the driving grip 2, contrary to the limitations of claim 67.

Claim 67 also specifies that the cutting means includes a first stationary portion positionable between the cast and the patient, and a second portion movable relative to the first portion. As the Wang reference is a scissor-type device, it is apparent that both portions will move when the grips are squeezed toward one another. Having a moving blade with a cutting edge positioned between the cast and the patient is to be avoided.

Additionally, as has been previously noted, the sheath 5 in Wang does not include a cutting edge. Instead, the sheath simply supports a workpiece while the upper blade does all the required cutting (this is synonymous with cutting an object resting on a workpiece with a knife – the work top clearly does not have a cutting edge). This is in clear contrast to the present invention which requires a cutting edge on both portions of the cutting means.

Claim 67 includes the limitation of a drive arrangement for driving the movable portion towards the stationary portion in which the drive arrangement is included on the opposite side of

the cutting plane from the protection member. Newly added claim 68 simply specifies that the movable portion is driven from the opposite side of the cutting plane from the protection member.

For the reasons set forth above, the Wang scissors, with the blade sheath 5 acting as a protection member, would be totally useless in removing a cast from a body member in the manner illustrated in Figure 1. The distinctions between the cast cutter of the present invention and the scissors of Wang are believed to be clearly set forth in claim 67 and new claim 68. They both define a cutting means including a stationary portion positionable between the cast portion operated upon by the cutting means and the patient, wherein cutting is achieved by the movement of a moveable portion toward the stationary portion through a cutting plane. The protection member is defined as being positioned on one side of the cutting plane, between the cast being operated on by the cutting means and the patient, to protect the skin of the patient. The drive arrangement is defined as being located on the opposite side of the cutting plane from the protection member. All of these factors distinguish the present invention from the scissors of Wang and make the device of the present invention useful in cast-cutting situations where the Wang scissors would be of no use.

Claim Rejection – 35 U.S.C. §103

Claim 20 stands rejected under 35 U.S.C. §103 as being obvious over Wang. Claim 20 adds the limitation that the first portion of the cutting means is mounted separately from the protecting member. The Examiner asserts that this would be obvious "... since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art."

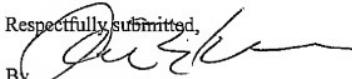
It is respectfully submitted that claim 20 does not state that the protection member is separable from the protecting member, but rather "... the first portion is mounted separately from the protecting member." This arrangement is necessary to achieve the cast-cutting function. Moreover, claim 20 distinguishes from Wang in the same manner as parent claim 67.

Reconsideration and allowance of the present application are accordingly respectfully solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

Dated: 3/9/2009

Respectfully submitted,

By 
Allen M. Krass

Registration No.: 18,277
GIFFORD, KRASS, SPRINKLE, ANDERSON
& CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
Post Office Box 7021
Troy, Michigan 48007-7021
(248) 647-6000
(248) 647-5210 (Fax)
Attorney for Applicant